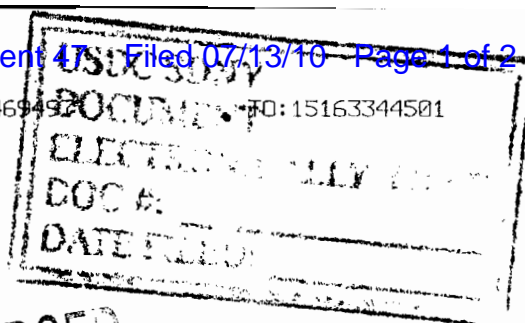


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P.1/2



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN CARELLO,

Plaintiff,

STIPULATION

-against-

07 Civ. 2914 (CS)

THE CITY OF NEW ROCHELLE, THE NEW
ROCHELLE POLICE DEPARTMENT, P.O. GEORGE
ROSENBERGEN and P.O. JOHN/JANE DOES,

Defendants.

-----X

WHEREAS, the above-referenced action is scheduled for trial on July 13, 2010 before the Honorable Cathy Seibel, U.S.D.J.; and

WHEREAS, the New Rochelle Police Department is not an entity that is subject to suit; and

WHEREAS, the parties have determined that it is in their respective interests for plaintiff to concede certain claims pertaining to his damages so as to avoid the introduction of certain evidence by defendants;

IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. Plaintiff agrees to withdraw, discontinue, and dismiss with prejudice all claims for physical injuries other than two alleged scratches to his neck, all claims for emotional damages, and all claims for pecuniary loss, and
2. Plaintiff's damage claims shall be limited to a claim for damages against the City of New Rochelle and George Rosenbergen, and a claim for punitive damages against defendant George Rosenbergen, based solely on two alleged scratches to plaintiff's neck; and

JUL-8-2010 16:17 FROM:THE LAW OFFICE OF MA 9149469497

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P.2/2

3. None of the parties shall attempt to introduce plaintiff's medical records as evidence in this case, including, but not limited to, the records of a facility known as Harbour Pointe; and

4. Plaintiff shall stipulate at trial that Harbor Pointe is a facility dedicated to treating individuals with compulsive gambling problems and its causes, for which plaintiff sought treatment in 2007; and

5. The claims against the New Rochelle Police Department are hereby withdrawn discontinued, and dismissed with prejudice.

Dated: Westbury, New York
July 8, 2010

THE LAW OFFICES OF
MATTHEW J. MCGOWAN, PLLC

By: 

MATTHEW J. MCGOWAN
44 Church Street
White Plains, NY
(914) 946-9496

SOKOLOFF STERN LLP
Attorneys for Defendants

By: 

STEVEN C. STERN
355 Post Avenue, Suite 201
Westbury, New York 11590
(516) 334-4500
File No. 100036

SO ORDERED:


CATHY SEIBEL